

Chapter 12

ANNEXATIONS AND DISCONNECTIONS

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12.1 Reserved

12.2 Pre-Annexation Review

12.2.1 Purpose

- A. The following procedures are established for the annexation of land into the City of Woodstock. These procedures are intended to identify City requirements and to alert the annexation petitioner of City Council concerns and issues which may exist before a formal annexation petition is submitted. City Council input is obtained from individual members by means of a City Council response form and not from the City Council as a formal group or at a public meeting.
- B. The owner of a land parcel agrees that in consideration of the City providing comments about the pre-annexation submittal prior to the formal filing of an annexation petition, the owner waives any and all causes of action against the City and/or its elected and/or appointed officials with respect to any comments generated through the pre-annexation process. For purposes of this Chapter, the term “owner” may refer to a “developer” seeking to obtain City approvals on behalf of the owner or to fulfill the obligations of a purchase contract.
- C. Exemptions to the pre-annexation review policy shall occur when:
 - 1. Land is proposed to be annexed so that an existing structure or a single parcel may connect to municipal utilities; and
 - 2. Land is surrounded by the City on all sides, which land is referred to as a “pocket-parcel”.

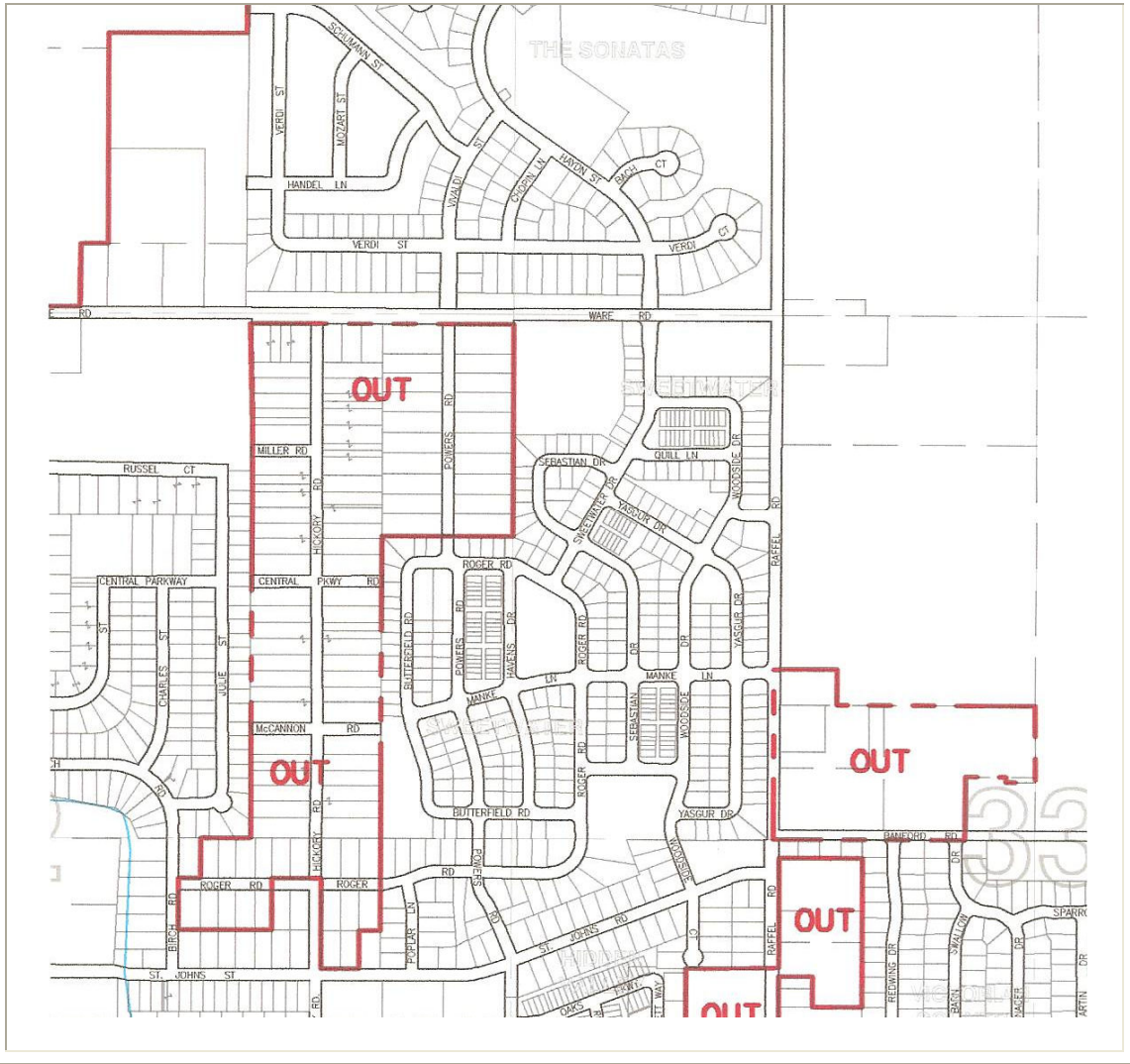
12.2.2 Process

A. Preliminary Discussion

The owner and/or developer of land proposed for annexation shall meet with City personnel, including but not limited to members of the Department of Public Works, the City Manager’s Office, and the Community Development Department. During this meeting, the owner and/or

Commentary:

A “pocket parcel” is typically depicted on the City’s Zoning Map as shown below and is identified by the term “out”.



developer shall be informed of the pre-annexation review requirements and given copies of relevant forms and information regarding the pre-annexation review process. The owner and/or developer are advised to contact School District 200 and the Woodstock Fire/Rescue District to obtain additional input.

B. Annexation Summary and Issues Report

After preliminary discussion with City personnel, an Annexation Summary Report shall be prepared by the owner and presented to the Community Development Director for conveyance to members of the City Council for their review. It shall include an explanation of items typically addressed by the City during the review and consideration of an annexation petition. These items are listed in Section 12.2.2(C). This report shall contain sufficient detail so that the City can be aware of the owner's intentions and know what to expect once formal annexation and/or development approval is requested.

C. Annexation Summary Report Content

The Annexation Summary Report shall address the items listed below. In addition to addressing these items, a location map and sketch plan showing how the property is intended to be developed shall be submitted. The owner/developer is also free to comment on any additional issues or concerns pertaining to the proposed annexation and development.

1. Ownership Status:

- name and addresses of record owner of subject property, and of contract purchaser of subject property.
- name and address of proposed developer of subject property.
- if owner or contract purchaser is a trust, provide the name of the beneficiaries of said trust.
- if owner or contract purchaser is a partnership, provide the names and addresses of the general and limited partners.

2. Natural Resource Features:

- general location of floodplain, wetlands, soil conditions, trees/vegetation, topography, and drainage routes.
- natural resources expected to be preserved.

3. Vehicular Access and Traffic Management:

- on-site and off-site improvements and circulation.
- local streets, collector streets, and arterial streets.
- connections with existing streets and adjoining land parcels.
- bicycle and pedestrian accommodations.

4. Pedestrian Access and Management:

- public sidewalks, internal sidewalks and pathways.
- pedestrian connections with adjoining land parcels.

5. Public Utilities:

- sanitary sewer connections, treatment plant capacity.
- water connections, storage needs and/or capacity.
- water main looping.
- storm water management.

6. **Development Features:**

- site location and area.
- development type (residential, commercial, industrial, mixed use), approximate number of buildings/lots/units, and building style, type, and building location.
- street and building layout.
- open space, landscaping, parks and buffering.

7. **Fiscal and Demographic Impacts:**

- tax revenues and impact on City services, on Woodstock Community Unit School District 200, and Woodstock Fire/Rescue District
- anticipated population by age category

D. Preliminary Annexation Report

1. A Preliminary Annexation Report shall be prepared by the City Administration and shall consist of a review by the City Administration of the proposed annexation. It shall indicate areas of concern and existing and/or potential problems pertaining to the annexation.
2. The Preliminary Annexation Report and the Annexation Summary Report shall be presented to members of the City Council for their review and shall provide a format for learning about the annexation proposal. It shall also be distributed to Woodstock School District 200 and the Woodstock Fire/Rescue District for input.

E. City Council Response Form

A response form shall be conveyed to members of the City Council and used when individual Council members respond to the annexation proposal. The response form allows the members of the City Council to indicate whether they have concerns or suggestions regarding the proposed annexation and development of the subject land, and shall inform the owner and/or developer and the City Administration of any problems or issues regarding an annexation proposal. City Council members may recommend to the owner and developer that the overall annexation and development proposal is not timely or appropriate and should be abandoned, or that it should be presented to the Plan Commission for review and comment. The responses generated by the City Council are not binding and shall not be used against the City in the event a decision regarding the annexation of land is denied.

12.3 Annexation Agreements

12.3.1 Purpose If either the owner and/or developer, the City Administration, or the City Council requires the preparation, review, and approval of an annexation agreement, such

Commentary:

The City Council's response is typically provided on a response form which requests specific information from the Council members and gives them the opportunity to comment on a proposed annexation. The format of this form is as follows:

**Preliminary Annexation Review Report
Sample City Council Response Form**

This form is filled out by individual members of the Woodstock City Council in order to give the owner and/or developer the initial reaction and opinion of the Council to a specific annexation and development proposal. It provides an opportunity for Council members to initially comment on an annexation and development proposal, without requiring the owner and/or developer to prepare and submit a formal submittal. It also gives the Council members the ability to indicate what they believe are the positive and negative features of the owner and/or developer's request, and whether there is initial support for the annexation. Responses and comments from individual City Council members are not binding and that final approval of any annexation and/or development proposal requires formal action by the City Council as a body.

This form should be completed by members of the City Council and returned to the City Manager within **fourteen (14) days** so that responses may be conveyed to the owner and/or developer. If more space is needed, additional pages may be attached.

Name of Project: _____
Name of Owner and Developer: _____
Date distributed: _____ **Date Returned:** _____

1. Has sufficient and adequate information been provided to understand the proposal and to form an opinion, or is additional information necessary?
What specific additional information is necessary?
2. What is your reaction or opinion to the proposed annexation and development based on the information submitted?
3. What specific additional items or items unique to this proposal should be addressed in the annexation agreement?
4. Are the requested zoning status and land uses appropriate and acceptable, and is the design of the development generally acceptable?
5. What is your opinion of any proposed waivers and/or variations?
6. What are the positive features of this proposal?
7. What are the negative features of this proposal?
8. Should the owner and/or developer's project be presented to the Plan Commission for discussion purposes or as a formal application?
9. Should the owner and/or developer proceed forward with the annexation approval process?
10. Miscellaneous comments.

Council Member

Date of Review

agreement shall be prepared by the City Attorney and subsequently revised based on input from the owner and/or developer and the City Administration. The purpose of an annexation agreement is to provide a detailed description of the annexation and development proposal, and shall include, but is not limited to provisions regarding zoning status, platting requirements, fees, scheduling, waivers/exemptions, special features and conditions, connection to municipal

utilities, compliance with City building and construction codes, off-site improvements, reimbursement of City expenses, and similar items. The annexation agreement sets forth the conditions which will have to be met by the owner and/or developer in order for the City Council to consider approving the annexation and development of land.

12.3.2 Process

- A. The City Council may approve or deny an ordinance adopting the annexation agreement. The City is under no obligation to approve an annexation agreement and the City Council may deny a petition for annexation agreement approval for any reason. Prior to consideration of an ordinance adopting an annexation agreement, the City Council shall conduct a public hearing on the proposed agreement in accordance with the procedures set forth in Section 12.3.3 of this Chapter.
- B. If the annexation agreement includes a request for a change in zoning, the Plan Commission shall hold a public hearing on the rezoning petition and provide a recommendation on said petition to the City Council prior to City Council consideration of an ordinance approving the agreement.
- C. Within 90 days after the City Council approves an ordinance adopting an annexation agreement, a certified copy of said ordinance, including an executed copy of the agreement, shall be recorded in the office of the McHenry County Recorder.

12.3.3 Hearing Requirements

- A. Prior to consideration of an annexation agreement, the City Council shall conduct a public hearing on any and all proposed annexation agreements. The City Council, at its sole discretion, may but is not required to refer the agreement to the Plan Commission for input and recommendations prior to conducting said public hearing.
- B. Required public notices for said hearing shall include the name and address of both the petitioner and the owner of the subject property, the legal description of the property and a general description of its location, as well as the date, time, and location of the hearing. A brief statement indicating the intended use of the subject property shall be included.
- C. Before publication and distribution of notices regarding the required public hearing for an annexation agreement, a final copy of the agreement shall be placed on file in the Office of the City Clerk. Substantive changes to said agreement may be submitted to the City Council during or after the public hearing on the annexation agreement.
- D. At least 15 but not more than 30 days prior to said hearing, written notice shall be sent to specific public bodies informing them of the public hearing on the annexation agreement. At a minimum, notice shall be sent by certified or registered mail to the trustees of the Woodstock Rural Public Library District, trustees of the appropriate Township Board and to the Township Highway Commissioner, Woodstock Community Unit School District 200, and the Woodstock Fire/Rescue District. The written notice shall be prepared and sent by the owner and/or developer. An affidavit indicating that such notice has been

served shall be filed with both the Community Development Department and the McHenry County Recorder not less than five (5) days prior to the hearing.

- E. Notice of the City Council's intent to hold a public hearing on the annexation agreement shall be published in a newspaper of local circulation at least 15 but not more than 30 days prior to the date of the meeting at which the City Council considers the agreement. The published notice shall be prepared and sent by the owner and/or developer. The public notice shall be submitted to the Community Development Director for approval prior to publication. An affidavit indicating that such notice has been served shall be filed with both the Community Development Department not less than five (5) days prior to the hearing.

12.4 Annexation

- A. All petitions requesting the annexation of land to the City shall be submitted to the City Council and placed on the City Council meeting agenda for formal consideration. If an annexation agreement is proposed, the annexation agreement shall accompany the annexation petition.
- B. At least 15 but not more than 30 days prior to City Council consideration of a petition to annex a parcel, notice shall be sent to specific public bodies informing them that the Council will be considering the proposed annexation. Notice must be sent by certified registered mail to the trustees of the Woodstock Rural Public Library District, the appropriate Township Board of Trustees and Township Highway Commissioner, Woodstock Community Unit School District 200, and the Woodstock Fire/Rescue District. An affidavit indicating that such notice has been served shall be filed with both the Community Development Department and the McHenry County Recorder not less than five (5) days prior to the hearing.
- C. An annexation petition shall contain the name and address of the record owner of the land proposed for annexation, the contract purchaser, and the proposed developer of the subject property. If the owner or contract purchaser is a trust, the name of the beneficiaries of said trust shall be provided. If the owner or contract purchaser is a partnership, the names and addresses of the general and limited partners shall be provided. If the owner or contract purchaser is a corporation, the names and addresses of the officers of said corporation and the names and addresses of any stockholders owning five (5) percent or more of the stock of said corporation shall be provided.
- D. The annexation petition shall indicate whether any electors reside on the subject site, and shall contain a legal description of the site and accompanied by a plat of Annexation. The petitioner shall provide a copy of the last deed of record placing the owner in title to the subject property, along with a copy of a title insurance policy or commitment which has been prepared within one-hundred-twenty (120) days of when the annexation petition is filed with the City. The title insurance policy or commitment shall identify any encumbrances on the title to the subject property.
- E. The annexation petition shall be accompanied by a Plat of Annexation prepared by an Illinois Registered Surveyor.

- F. The City Council may approve an ordinance annexing the subject property, refer it to the Plan Commission for consideration at a public hearing and for a subsequent recommendation, or deny the petition. The City of Woodstock is under no obligation to annex land into the City and the City Council may deny a petition to annex at its discretion. If the annexation petition includes a request to rezone the subject land, the Plan Commission shall hold a public hearing on the rezoning prior to City Council consideration of an ordinance providing for said zoning approval.
- G. In accordance with Chapter 7A of this Ordinance, any land annexed in the future which is not classified within a zoning district shall be classified in the AG Agricultural District, which is the most restrictive residential zoning district in the City.

12.5 Disconnection Process

- A. The owner of record of land or portions of land intended to be disconnected from the City of Woodstock shall submit a petition requesting said disconnection. The petition shall be signed by all owners of record of said land or portion thereof. The petition must be submitted at least thirty (30) days before it is considered by the City Council and shall be accompanied by a certificate from the McHenry County Clerk stating that all City taxes or assessments are fully paid.
- B. The disconnection petition shall include a legal description of the area being disconnected and must be accompanied by a Plat of Disconnection prepared by an Illinois Registered Surveyor and depicting said area. The disconnection petition shall comply with the requirements set forth in the statutes of the State of Illinois, specifically 65 ILCS 5/7-3-4 , 65 ILCS 5/7-3-5, and 765 ILCS 205/1.02, as amended from time to time.
- C. The City Council may approve an ordinance disconnecting land from the City by a simple majority or may deny the disconnection petition. The City of Woodstock is under no obligation to disconnect property from the City and the City Council may deny a petition to disconnect for any reason. Within ninety (90) days of approval, the disconnection ordinance shall be certified by the City Clerk and recorded with the McHenry County Recorder, and then filed with the McHenry County Clerk. Notice of the disconnection must also be sent to the local post office branch serving the subject site.